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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/720,879	03/26/2001	Harry Wiljan	Q62284	6749

7590 06/23/2005

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EXAMINER

HALPERN, MARK

ART UNIT	PAPER NUMBER
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1731

DATE MAILED: 06/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/720,879

Applicant(s)

WILJAN ET AL.

Examiner

Mark Halpern

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 April 2005.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.  
4a) Of the above claim(s) 1-10 is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 11-30 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3/12/03.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

1) Applicant's election with traverse of invention II, drawn on claims 11-30, in the reply filed on 4/15/2005, is acknowledged. The traversal is on the ground(s) that the two inventions claim a single general inventive concept. This is not found persuasive because claim 1 is either obvious or anticipated by patent U.S. 5,377,917.

Accordingly, the special feature linking the two inventions, a coarse dirt collector pivotable into and out of a pulping vessel from above, does not provide a contribution over the prior art, and no single general inventive concept exists. Therefore, the restriction is appropriate.

The requirement is still deemed proper and is therefore made FINAL.

Claims 1-10, are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim.

### ***Claim Objections***

2) Claim 29 an apparatus claim is dependent from non-elected method claim 1. Should perhaps, claim 29 depend from claim 11.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3) Claims 11-30, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

Claim 11 is not clear by recitation "rotational movement about an axis of rotation positioned at an angle to the plane that is vertical to the axis of the pulper vessel". The claim is not clear as to the angle, the plane and the vertical to the axis.

Claim 11 recites the pulper vessel as item (1) in line 3, and as item (2) in line 8.

Claims 12, 13, 14, 25, 26, are not clear as to the term "it".

Claim 17 recites the pulper vessel as item (2) in line 3. The specification recites item (2) to be the rotor.

Claim 17 is not clear how the tines are positioned vertical to the axis of the pulper vessel.

Claims 22, 23, 30, the terms "can be" and "can preferably be" render the claims indefinite.

Claim 27 is not clear as to "the radial line".

Claim 29 recites the limitation "the motions of the moving device" in 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 30 recites the limitation "the system" in line 2. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4) Claims 11-19, 24-29, are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Wiljan (5,377,917). Wiljan discloses pulping vessel 13 used to process waste paper. The vessel includes a central impeller 14, rotating about a vertical axis by means of motor 15 and belt 16, a centrally located perforate sieve located at the bottom of the vessel, a lock chamber 18 for removal of heavy substances. Wiljan discloses a raking device 22 associated with the pulping vessel 13, and comprises a tine carrier 23 by a support arm, the tine carrier is vertically adjustable and is provided with tines 23' (on a frame grid structure) which

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are adapted to be immersed below the liquid level 24 in the pulping vessel 13 to catch lightweight substances. The raking device has its own support structure independent of the pulping vessel, and reads on the claimed coarse dirt collector. The tine carrier 23 is pivotally movable for its immersed position shown in solid lines in Figure 4 to the position shown in dotted lines outside the pulping vessel so that the lightweight substances which have been caught will then fall from the tines onto a shredder for further processing. The pivotal movement is about an axis of rotation positioned at an angle to the plane that is vertical to the axis of the pulper vessel, or in least it would have been obvious to one skilled in the art at the time the invention was made that the pivotal movement is about an axis of rotation positioned at an angle to the plane that is vertical to the axis of the pulper vessel (col. 6, line 49 to col. 7, line 27, col. 10, lines 9-36, and Figures 2, 4).

Claims 18-19: the tines are fastened to the structure grid in a fixed manner, or it would have been obvious that the tines are fastened by screws.

Claim 24: support arm bent is disclosed in Figure 4.

5) Claims 20-23, 30, are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiljan (5,377,917) in view of Wiljan (6,379,505).

Claim 20: Wiljan ('917) is applied as above for claim 11, Wiljan ('917) does not disclose that the pulper vessel includes a lid. Wiljan ('505) discloses a pulper as shown in Figure 1a. It would have been obvious, to one skilled in the art at the time the invention was made, to combine the teachings of both Wiljan references, because such

a combination would provide for a means of controlling impurities falling into the pulper vessel of Wiljan ("917).

Claims 21, 23: the lid configuration is shown. It would have been obvious that the lid have a hood and that the lid be open since it has an opening and for good maintenance and operation of the vessel.

Claim 22: bin 28, shown in Figure 2, performs the function of a collecting funnel.

Claim 30: it would have been obvious that the system can be sealed for odor-resistance, since the Wiljan ('505) design includes a lid.

### ***Conclusion***

6) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Halpern whose telephone number is 571-272-1190. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 571-272-1189. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "M. Halpern", with a stylized, flowing script.

Mark Halpern  
Primary Examiner  
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